



METROPOLITAN
TRANSPORTATION
COMMISSION

PROGRAM MANAGEMENT PLAN

FEDERAL TRANSIT ADMINISTRATION 5316 JOB ACCESS REVERSE COMMUTE and 5317 NEW FREEDOM PROGRAMS

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This Program Management Plan (PMP) describes the Metropolitan Transportation Commission's policies and procedures for administering the Federal Transit Administration's (FTA's) Section 5316 Job Access and Reverse Commute (JARC) and Section 5317 New Freedom (NF) Programs in accordance with requirements in FTA Circulars C 9050.1 and 9045.1, both dated May 1, 2007.

I. GENERAL

The Metropolitan Transportation Commission (MTC) is the federally-designated Metropolitan Planning Organization (MPO) and state-designated Regional Transportation Planning Agency (RTPA) for the San Francisco Bay Area, including the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. Created by the state Legislature in 1970 (California Government Code § 66500 et seq.), MTC is the transportation planning, coordinating and financing agency for the nine-county region. MTC's work is guided by a 19-member policy board: fourteen commissioners appointed directly by local elected officials; two members representing regional agencies — the Association of Bay Area Governments and the Bay Conservation and Development Commission; and three nonvoting members representing federal and state transportation agencies and the federal housing department.

The Governor of California designated MTC to be the recipient of JARC and New Freedom funds apportioned to the Bay Area's urbanized areas over 200,000 in population, referred to as the Antioch, Contra Costa, San Francisco-Oakland, San Jose, and Santa Rosa large urbanized areas. Transit services in the over 7,000-square mile region are provided by over two dozen transit operators.

The stakeholders listed in Section IV have been provided with an opportunity to review and comment on this PMP, as required in the FTA Circulars.

II. PURPOSE OF PMP

This PMP is intended to fulfill several functions:

1. Serve as the basis for FTA to perform management reviews of MTC's administration of the program;
2. Provide public information on MTC's administration of the program; and,
3. Provide program guidance to local project applicants.

III. PROGRAM GOALS AND OBJECTIVES

JARC: FTA's goal for the JARC program is to improve access to transportation services to employment and employment-related activities for welfare recipients and eligible low-income individuals, and to transport residents of urbanized areas and nonurbanized areas, regardless of income level, to suburban employment opportunities. FTA's objectives are:

- a. To increase the number of jobs that can be accessed as a result of geographic or temporal coverage; and,
- b. To increase the number of rides provided.

New Freedom: FTA's goal for the New Freedom program is to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements for the Americans with Disabilities Act of 1990. FTA's objectives are:

- a. To increase or enhance geographic coverage, service quality and/or service times that impact availability of transportation services for individuals with disabilities;
- b. To add or change environmental infrastructure (e.g. transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services; and
- c. To increase the number of rides provided for individuals with disabilities.

MTC's Program: MTC aims to fulfill the following objectives through its administration of the JARC and New Freedom Programs:

- a. To advance the recommendations in the Bay Area's Coordinated Public Transit-Human Services Transportation Plan (Coordinated Plan), including implementing the priority solutions to the identified transportation gaps and the strategies to enhance service delivery for the transportation-disadvantaged population in the region;
- b. To encourage high levels of program participation in the Bay Area by conducting outreach, and coordinating MTC's efforts with Caltrans' efforts for the small urbanized and rural areas; and,
- c. To administer the JARC program as an integral part of MTC's larger Lifeline Transportation Program, which is a funding program intended to improve the mobility options of the region's low-income population.

IV. ROLES AND RESPONSIBILITIES

As the designated recipient of JARC and New Freedom funds for the Bay Area's large urbanized areas, MTC has the principal authority and responsibility for administering the programs. MTC's responsibilities include:

- a. Notifying eligible local entities of funding availability;
- b. Developing project selection criteria;
- c. Determining applicant eligibility (in consultation with FTA when needed);
- d. Conducting or delegating the competitive selection process to determine which projects should receive funding;
- e. Forwarding an annual program of projects and grant application to FTA;
- f. Ensuring that all subrecipients comply with Federal requirements;
- g. Documenting procedures in this PMP;
- h. Certifying that allocations of grants to subrecipients are distributed on a fair and equitable basis; and,
- i. Certifying that all projects are derived from the Bay Area's Coordinated Plan.

The California Department of Transportation (Caltrans) is the designated recipient of JARC and New Freedom funds for the State's small urbanized and rural areas. In the Bay Area, there are seven small urbanized areas: Fairfield, Gilroy-Morgan Hill, Livermore, Napa, Petaluma, Vacaville, and Vallejo. At the time of this PMP's writing, it is MTC's intent to enter into an agreement with Caltrans to conduct on their behalf the competitive selection process for projects that are eligible to receive funds from the State's small urbanized area JARC and New Freedom FY 2007 – 2009 apportionments. Other than the competitive selection process, Caltrans will

remain responsible for all other responsibilities for administration of JARC and New Freedom funds for small and non-urbanized areas as listed above.

For JARC, MTC delegates prioritization of project applications to the Congestion Management Agencies (CMAs) of each county. See section below on Project Selection Criteria and Method of Distributing Funds.

The following groups also advise MTC's administration of the programs:

- **Minority Citizens Advisory Committee (for JARC only)** – A 26-member panel of representatives from the nine Bay Area counties, including individuals of African American/Black, Asian, and Hispanic/Latino descent, selected by the Commissioner(s) representing each county; and three at-large advisors appointed by the Commission Chair and Vice-Chair, one of Native American descent and two who are from or serve low-income communities.
- **Elderly and Disabled Advisory Committee (for New Freedom only)** – A 20-member panel of representatives from the nine Bay Area counties, including one elderly and one disabled advisor from each of the nine counties, selected by the Commissioner(s) representing each county; and two additional advisors, either elderly or disabled, selected from the region at large by the Commissioners representing the Association of Bay Area Governments and the Bay Conservation and Development Commission.
- **Welfare-to-Work Working Group (for JARC only)** – A staff-level working group consisting of transportation providers (transit agencies, rideshare agencies, paratransit providers) and social service agencies from each of the nine counties along with other key stakeholders (community-based organizations and advocates).
- **Bay Area Partnership Working Groups** - The Bay Area Partnership Board is a confederation of the top staff of various transportation agencies in the region (MTC, public transit operators, county congestion management agencies, city and county public works departments, ports, Caltrans, U.S. Department of Transportation), as well as environmental protection agencies. The Partnership works by consensus to improve the overall efficiency and operation of the Bay Area's transportation network, including developing strategies for financing transportation improvements. Working groups include:
 - **Partnership Technical Advisory Committee** – A sub-committee of the Partnership Board composed of staff representatives of the Partnership Board member agencies.
 - **Partnership Transit Finance Working Group** – A working group of the Partnership Board composed of representatives from transit operators who meet to discuss transit funding-related issues.
 - **Partnership Accessibility Committee**, formerly the Partnership Transit Coordinating Council (for New Freedom only) – A group of representatives from 21 Bay Area transit operators who meet and confer about paratransit policies and procedures in the region.

V. COORDINATION

From the programming process perspective, the level of coordination in the Bay Area is enhanced by virtue of MTC being the designated recipient for the five large urbanized areas. MTC also makes every effort to coordinate the programming efforts for the large urbanized areas with Caltrans' efforts for small urbanized area programming, at times actually conducting the

competitive selection process on Caltrans' behalf. MTC has also dedicated staff to manage the programming of JARC, New Freedom, and the related Elderly and Disabled Specialized Transit Program (also known as the 5310 Program) in the region. These staff serve several functions that enhance coordination: day-to-day points of contact for all other stakeholders in the region; reporting to all of MTC's advisory groups; and also providing feedback to other staff on related aspects of MTC's legislative program.

From the programming priorities perspective, MTC, through the Bay Area's Coordinated Plan, strongly encourages the following strategies that enhance service delivery for the transportation-disadvantaged population: enhancing land use and transportation coordination; promoting enhanced pedestrian access to public transit and other modes of travel; promoting coordinated advocacy and improving efforts to coordinate funding with human service agencies; improving interjurisdictional and intermodal travel; and developing and implementing mobility management approaches.

VI. ELIGIBLE SUBRECIPIENTS

MTC designates the same eligible recipients for the JARC and New Freedom programs as allowed by Federal guidelines:

- a. Private non-profit organizations;
- b. State or local governmental authority; and
- c. Operators of public transportation services, including private operators of public transportation services.

For the FY 2006 funding cycle of New Freedom, however, MTC restricted the eligible recipients to local governmental authorities and public transit operators only so as to ensure that the funds could be obligated during their period of availability.

VII. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

MTC requires the same local match for the JARC and New Freedom programs as required by Federal guidelines: minimum of 20 percent of the project cost for eligible capital projects, and minimum of 50 percent for eligible operational projects. However, for JARC operational projects, MTC may provide 30 percent of the required 50 percent local match out of other funding sources in the Lifeline Transportation Program of which JARC is a part, effectively requiring project sponsors to supply only 20 percent of the project cost using their own local funds.

VIII. PROJECT SELECTION CRITERIA & METHOD OF DISTRIBUTING FUNDS

MTC develops program guidelines with each call for projects. For JARC, the program guidelines are part of MTC's larger Lifeline Transportation Program. Developing new guidelines with each solicitation provides MTC with the flexibility to designate regional priorities as needed and to incorporate refinements based on lessons learned from prior funding cycles. The guidelines include relevant excerpts from the program circulars and additional information that is particular to the Bay Area, and they are prepared with the goals of providing sufficient information for prospective applicants to determine whether they should apply for funds and making transparent the competitive selection process. In general, staff will provide the various advisory groups an

opportunity to comment on the draft program guidelines prior to seeking formal approval of those guidelines. The frequency of competition is determined by MTC, and does not cover more than three years of funding. MTC publicly advertises the availability of funds and selection criteria in formats and forums appropriate to the potential subrecipients. Applicants are required to fill out a standardized application form to facilitate the evaluation process. The application forms are prepared in accordance with the guidelines.

JARC: MTC established regional evaluation criteria for all Lifeline Transportation Program projects, including project need/stated goals and objectives; implementation plan; project budget/sustainability; coordination and program outreach, and cost-effectiveness and performance indicators. The competitive selection process is conducted on a county-wide basis by designated Lifeline Program Administrators (LPAs), which are the Congestion Management Agencies (CMAs) for all counties, except in Santa Clara County where the program is administered jointly by the CMA and the County. The LPAs are allowed to establish the weight to be assigned to each criterion, and to add additional criteria as they see fit with MTC's review. Each LPA appoints a local review team of CMA staff, as well as representatives of local stakeholders, such as local jurisdictions, transit operators or other transportation providers, community-based organizations, social service agencies, and members of MTC's Minority Citizens Advisory Committee, to score and select projects. Each LPA assigns local priorities for project selection and is required by MTC to maintain a transparent process.

In funding projects, preference is given to strategies emerging from local Community-Based Transportation Planning (CBTP) processes, countywide regional welfare-to-work transportation plans or other documented assessment of need within the designated communities of concern. Findings emerging from one or more CBTPs or other relevant planning efforts may also be applied to other low-income areas, or otherwise be directed to serve low-income constituencies within the county, as applicable.

In addition, MTC will certify that projects have been derived from the Bay Area's Coordinated Plan. While federal requirements prohibit the sub-allocation or distribution of JARC funds in any way other than through a competitive process, MTC provides each County CMA with a target programming amount that is based upon the County's proportion of the region's poverty population.

New Freedom: MTC conducts the competitive selection process, and certifies that projects have been derived from the Bay Area's Coordinated Plan. The project selection criteria include need and benefits; coordination, partnership, and outreach; and project readiness. The target programming amounts are set to be some multiple of the large urbanized area (UA) apportionments, and applicants are informed that they are eligible to apply for funds in the UA(s) in which their projects will provide services. An evaluation panel consisting of MTC staff and representatives of the interests of the region's disabled population evaluate and score the applications. In compliance with Title VI of the Civil Rights Act of 1964, projects are evaluated and funds distributed without regard to race, color, and national origin.

IX. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS

MTC staff strive to provide sufficient time for prospective applicants to develop their project ideas and prepare their project applications; for evaluation panels to review and score project

applications and develop the proposed program of projects; for staff to discuss with the various relevant working groups the results of the evaluation process and present the proposed program of projects; and for staff to present the proposed program of projects for approval by MTC's Programming and Allocation Committee and subsequent adoption by the MTC. In total, the process is expected to take about four to six months from the time the call for projects is issued to MTC's adoption of the program of projects. The detailed timeline for each call for projects is issued along with the program guidelines. The adopted program of projects is made available to the public on MTC's web site.

X. ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE

MTC does not currently avail of the 10 percent allowable use of the apportionment for administration, planning, and technical assistance. The costs for these activities are borne by MTC. However, MTC reserves the right to change the current practice as circumstances warrant.

Information about the JARC and New Freedom programs is provided on MTC's web site. MTC staff are also available by telephone or e-mail to provide technical assistance throughout the program process. During project solicitation, workshops are offered for prospective applicants. After projects have been selected, subrecipients are informed of necessary steps in order to obtain the grant award.

XI. TRANSFER OF FUNDS

MTC does not transfer any JARC or New Freedom program funds to Section 5311 or 5307 programs or for transfer of flexible funds.

XII. PRIVATE SECTOR PARTICIPATION

MTC conducts public outreach to potential private sector program participants using several avenues: agencies may request to be included in MTC's mailing list for funding notices; MTC sends out funding notices to various stakeholder groups; and MTC makes announcements at various meetings of the groups described under Section IV.

XIII. CIVIL RIGHTS

MTC complies with all provisions prohibiting discrimination on the basis of race, color, or national origin on Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d et seq., and with U.S. D.O.T. regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act", 49 C.F.R. Part 21. Except to the extent FTA determines otherwise in writing, MTC will comply with any applicable implementing federal directives that may be issued. MTC filed its most recent Title VI Program¹ with Caltrans on November 22, 2006. The provisions in Chapter VI of FTA Circular C 4702.1A, "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients" did not apply at the time of that report's writing since MTC had not yet provided any JARC or New Freedom grants to subrecipients.

¹ MTC Resolution No. 2091, Revised.

MTC specifically requires in all third party contracts and grant agreements that the subrecipient/contractor at any tier complies with all requirements of Title VI. Failure to do so is considered to be a breach of contract. Upon request of a subrecipient, MTC will provide assistance in complying with general reporting requirements associated with Title VI. Per guidance contained in Chapter VI, Section 5 of the aforementioned FTA Circular, excerpts from this PMP relating to MTC's procedures to pass through FTA financial assistance in a non-discriminatory manner and to provide assistance to potential subrecipients applying for funding in a non-discriminatory manner will be included in MTC's upcoming Title VI report.

Furthermore, MTC complies with all applicable equal employment opportunity (EEO) provisions of 49 U.S.C. §§ 2000e, and implementing federal regulations and any subsequent amendments thereto. Except to the extent FTA determines otherwise in writing, MTC also agrees to comply with any applicable federal EEO directives that may be issued. MTC ensures that applicants and employees of MTC are treated fairly without regard to their race, color, creed, sex, disability, age, or national origin. MTC specifically requires in all its third party contracts and grant agreements that the contractor/recipient agree to comply with all applicable EEO requirements of Title VI and states that failure to do so is considered a breach of contract. Moreover, MTC requires that third party contractors/recipients with more than five employees whose contracts meet a specified minimum dollar amount submit affirmative action plans and that all contractors/recipients submit a current workforce utilization plan before contract award. MTC will also investigate any complaints received alleging breach of the requirements of Title VI.

Lastly, MTC does not discriminate on the basis of race, color, sex, or national origin in the award and performance of any federally assisted third party contract or grant agreement in the administration of its DBE Program and complies with the requirements of 49 C.F.R. Part 26. It will take all necessary and reasonable steps set forth in 49 C.F.R. Part 26 to ensure nondiscrimination in the award and administration of all third party contracts and grant agreements. On June 23, 1999, MTC adopted a DBE Program², revised on June 4, 2001. On June 1, 2006, MTC also entered into an implementation agreement with Caltrans for their race-neutral DBE Program. As required by 49 C.F.R. Part 26 and approved by U.S. D.O.T., MTC's DBE Program is incorporated into and made part of its third party contracts and agreements. MTC specifically states in its third party contract/grant agreements that breach of the MTC DBE Program and/or failure by the contractor/recipient to honor all commitments made to DBEs at the time of award will be considered a breach of contract. Further, MTC requires subrecipients that are not FTA grantees to submit in their invoices and on an annual basis actual DBE participation.

XIV. SECTION 504 AND ADA REPORTING

MTC agrees to comply with the requirements of 49 U.S.C. 5301 (d), which states the federal policy that elderly individuals and individuals with disabilities have the same right as other individuals to use public transportation services and facilities, and that special efforts will be made in planning and designing those services and facilities to implement transportation accessibility rights for elderly individuals and individuals with disabilities. MTC also agrees to comply with all applicable provisions of Section 504 of the Rehabilitation Act of 1973, as amended, with 29 U.S.C. 794 which prohibits discrimination on the basis of disability and with

² MTC Resolution No. 3196, Revised.

the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. 12101 et seq., which requires that accessible facilities and services be made available to individuals with disabilities , and any subsequent amendments to these laws. Finally, MTC agrees to comply with applicable implementing federal regulations and directives and any subsequent amendments thereto.

XV. PROGRAM MEASURES

The reporting and data collection measures of the JARC and New Freedom Programs are/will be specified in the grant agreements with the subrecipients. The following data are required at a minimum, consistent with FTA's reporting requirements for each program:

JARC:

- Actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage of JARC projects implemented in the current reporting year.
- Actual or estimated number of rides (as measured by one-way trips) provided as a result of the JARC projects implemented in the current reporting year.

New Freedom:

- Services provided that impact availability of transportation services for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year. Examples include geographic coverage, service quality, and /or service times.
- Additions or changes to environmental infrastructure (e.g. transportation facilities, sidewalks, etc.), technology, vehicles that impact availability of transportation services as a result of New Freedom projects implemented in the current reporting year.
- Actual or estimated number of rides (as measured by one-way trips) provided for individuals with disabilities as a result of New Freedom projects implemented in the current reporting year.

XVI. DESIGNATED RECIPIENT PROGRAM MANAGEMENT

Procurement: Each subrecipient is required to conduct procurement activities in accordance with their own procurement procedures that should reflect applicable State and local laws, provided that it conforms to federal requirements at 49 CFR Part 18 and guidance contained in FTA Circular 4220.1E. Certification of compliance will be made a part of the subrecipient's application and its contract with MTC.

Property Management and Vehicle Use, Maintenance, and Disposition: Real property requirements do not apply to either JARC or New Freedom. MTC complies with all applicable requirements in the FTA Grant Management Guidelines (FTA Circular 5010.1C) with regard to equipment, supplies, and rolling stock purchases by making the requirements part of the subrecipients' contract with MTC.

Financial Management: MTC complies with all applicable standards set forth in 49 CFR 18.20(b) and guidance in the FTA Grant Management Guidelines (FTA Circular 5010.1C) with regard to accounting records, internal controls, budget control, financial management systems, cost standards, financial reporting requirements, and annual audit. With regard to cost allocation, MTC does not charge indirect program-related costs to either JARC or New Freedom. With

regard to program income, funding from both programs is on a reimbursement basis, so no program income accrues to MTC. MTC does not conduct third-party contract audits.

Accounting System: MTC uses the Integrated Fund Accounting System (IFAS) to record and track program encumbrances and expenditures.

Audit: MTC complies with the requirements of OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations” and provisional OMB Circular A-133 Compliance Supplement of May 1998. MTC may also require subrecipients that are required to be audited because total Federal funds from all sources exceed the \$500,000 threshold to submit A-133 audit reports for review to ensure that audit findings are resolved. At a minimum, MTC requires subrecipients to bring to MTC’s attention any audit findings relevant to their use of FTA funds.

Close-Out: No JARC or New Freedom funds have been closed out at the time of this writing. However, upon project completion, MTC will comply with the requirements set forth in the Close-Out Procedures section of the FTA Grant Management Guidelines (FTA Circular 5010.1C) and of the JARC and New Freedom Circulars.

Project Monitoring and Reporting: MTC maintains spreadsheets to track project expenditures, amounts charged to funding sources, local matching sources, and project budgets and schedules. MTC will be responsible for reporting to FTA the total expenditures for each federal grant and reconciling the grant expenditures and revisions to the project budgets. Further, subrecipients are required to submit to MTC status reports on a quarterly basis.

On-Site Reviews: MTC and/or its representatives may perform on-site project monitoring visits with subrecipients. Site visits may be conducted using checklists that outline accounting and record-keeping requirements in compliance with OMB Circulars A-122 and A-87 if the subrecipient received operating assistance; OMB 49 CFR Part 18 and Part 19 administrative requirements; the regulatory requirements for receipt of federal funds; and vehicle inventory and maintenance records if the subrecipient received capital assistance.

Standards for Productivity, Cost-Effectiveness, and Service: MTC has not set standards for productivity, cost-effectiveness, and service. Subrecipients are required to report on the program measures outlined in Section XV above.

XVII. OTHER PROVISIONS

Environmental Protection: MTC anticipates funding only projects with categorical exclusions from both the National Environmental Protection Act (NEPA) and the State’s Energy Conservation Plan and Clean Air and Water Pollution Acts. However, should a project be approved that is subject to environmental review, MTC will require the subrecipient to prepare the environmental document and Notice of Determination for federal certification before the subrecipient receives any project funds.

Buy America, Pre-Award and Post-Delivery Reviews: MTC does not anticipate funding procurements over \$100,000. However, should such a project be approved, MTC will require subrecipients to certify compliance with Buy America requirements in 49 USC 5323(j); and for

procurement of vehicles other than sedans or unmodified vans, with pre-award audit, bid analysis, post-delivery audit, and final inspection requirements in 49 CFR parts 663 and 665.

Restrictions on Lobbying: MTC requires each subrecipient receiving more than \$100,000 to complete FTA's Certification on Lobbying prior to contract execution. All bids for equipment prepared by this subrecipient would be required to contain this certification as well.

Prohibition on Exclusive School Transportation: Subrecipients may not provide school bus transportation. School bus transportation is defined by FTA as transportation exclusively for school students or personnel. Subrecipients are required to certify compliance. An exception would be the transportation of students with disabilities who are eligible passengers.

Drug and Alcohol Testing: MTC makes appropriate certifications of compliance with federal requirements for Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations. Subrecipients are required to certify compliance with the same.

Monitoring Compliance by Subrecipients: MTC makes appropriate certifications of compliance with Federal requirements. MTC includes language regarding these federal requirements in its contracts with subrecipients and requires each subrecipient to execute a certification of compliance with the relevant federal requirements. Subrecipient certifications are required of the subrecipient prior to the execution of a contract by MTC. MTC may also conduct on-site visits as described in the previous section.

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